



MEMORANDUM OF SUPPORT

Microbead-Free Waters Act of 2015

H.R. 1321

An Act to amend the Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 361), in relation to the manufacture or the introduction or delivery for introduction into interstate commerce of a rinse-off cosmetic (including toothpaste) that contains intentionally-added plastic microbeads.

JUSTIFICATION

In 2012 and 2013, research from the State University of New York at Fredonia and the 5 Gyres Institute found microplastic fragments numbering as many as 1.1 million per square kilometer in the Great Lakes. In a separate study, researchers on the St. Lawrence River found high levels of microplastics present in sediment samples from the bottom of the St. Lawrence River, indicating that these tiny pieces of plastic move through the entire Great Lakes system and the entire water column.

Furthermore, half of all plastics collected on the surface were the perfectly spherical, multi-colored beads identical to the microbeads found in more than 100 personal care products, such as facial scrubs, soaps, and toothpaste. Research from the New York Attorney General Office found that 74% of sewage treatment plants in the study were unable to filter out plastic microbeads, indicating they are released into and threaten waters throughout the United States.

As seen with other forms of plastic marine debris, plastic microbeads can attract and accumulate hydrophobic toxic chemicals such as PCBs and DDT. The microbeads can also be mistaken as food by small fish and wildlife. Scientific studies have shown that fish and wildlife of all sizes consume plastic, and that the chemicals can be passed up the food chain to larger fish, wildlife, and ultimately humans.

While some major corporations have pledged to phase-out microbeads, there is no consistent timeline for phase out or clarity on the alternative ingredients across the industry. A ban is necessary to ensure all personal care products are microbead-free to protect the waters of the United States.

SUMMARY OF PROVISIONS

- Defines microbeads as any plastic particle that is less than five millimeters in size and is intended to be used to exfoliate or cleanse the human body or any part thereof.
- Prohibits the manufacture or the introduction or delivery for introduction into interstate commerce of a rinse off cosmetic (including toothpaste) that contains intentionally-added plastic microbeads.
- Law will take effect July 1, 2017 for the manufacture and July 1, 2018 for the introduction or delivery for introduction into interstate commerce.
- Allows for delayed implementation of those products identified as over the counter drugs, with July 1, 2018 for manufacturing and July 1, 2019 for the introduction or delivery for introduction into interstate commerce.